

PLANNING & ZONING COMMISSION
April 10, 2012 – 7:00 P.M.

The Planning Commission met at City Hall on the above date.

Present: Commission Members Mazur, Bentley and Newberry, Councilwoman Richmond, Mayor Drucker, Prosecutor Stolarsky, Planning Director Frankland, Secretary McConoughey

Absent: None

Also Present: Fire Lieutenant Benedict, Assistant City Engineer Welch

The following items remained on the Inactive Agenda:

- A. Requests from Wolf Family Trust and Larry Coven, for consideration of allowing medical and dental occupancy in the I-2 Zoning District
- B. **Willow Street – PP# 956-39-056 – Robert Kucinic – Front yard setback variance**
- C. Request from Davis Development Group, John Siragusa, Asset Management and Christine Burkholder, Kids Country, to modify the permitted uses in the C-5 Zoning District
- D. **SW Corner of Miles Road and Neptune Drive – PP#'s 951-04-016, 951-05-001, 002, 003, 004 and 005 – Randy Kertesz – various setback variances and plan for subdivision**

NOTES OF CAUCUS DISCUSSION:

(Secretary's note: Agenda items not mentioned under Notes of Caucus Discussion are items that were not pertinently discussed during Caucus.)

Chairman Mazur presided.

PENDING:

1. **Thornbury Subdivision – Forest City Land Group – Phase 7 and 8 dedication plat:** Mrs. Welch said the Engineering Department has received no new material. She said Forest City has been contacted and they will submit a status update for the next meeting.

Mr. Mazur requested this item remain on the active agenda.

NEW:

5. 33205 Rockford Drive – Justin & Shanlyn Price – 25% aggregate fence opening variance: Mr. Mazur said the applicant has requested the application be withdrawn since he will install a conventional fence and, therefore, no variance is required.

7. 30775 Solon Industrial Parkway – Grandwood Company, LLC (for Anchor Industries) – parking lot material variance and site plan review for a warehouse addition: Mr. Mazur said it is necessary to complete a lot consolidation for this parcel. A representative from GEIS Corporation was present and said he has been made aware of the necessity to complete a lot consolidation.

Mr. Mazur said a time limit will be placed on the application.

Mr. Newberry said rather than placing a time limit on the application, a contingency that the consolidation should be completed before an occupancy permit is approved should be included in the motion.

Mr. Mazur said based on comments from the Fire Department, a 3-year time limit should be placed on the gravel driveway and if the 50,000 sq ft building is not constructed, the driveway will have to be paved.

8. 5885 North Oval – Christopher and Deanna Hurst – 4.5' accessory structure height variance for a shed: Mr. Mazur suggested the Engineering Department review the plans for the support structure for the elevated portion of the shed.

Mr. Frankland said the building is smaller than 200 sq ft, therefore, a building permit is not required. He said, at issue, is the fact that the rear portion of the building will be on stilts because of a steep change in elevation.

Mr. Newberry said customarily pre-fab buildings are intended to have four walls and a roof built on a concrete slab, however, this plan changes that intention.

The Commission discussed whose responsibility it is to ensure the shed is built appropriately from a safety point of view.

Mr. Newberry is concerned because, at times, the shed will be considered an occupied elevated structure which he believes requires a building permit and the City's approval.

Fire Lieutenant Benedict said it is not a requirement in the State of Ohio to have an approved stamped set of drawings to build a residential structure.

Mayor Drucker is concerned with liability issues.

Mr. Stolarsky agreed with Mayor Drucker and he recommended the applicant have a qualified inspector review and approve the plans.

Mrs. Hurst noted that both she and her husband have engineering degrees and

have carefully researched and reviewed the plan and are comfortable with the construction plans.

The Commission determined that the burden of responsibility for the safety and strength of the structure is the responsibility of the homeowner.

9. **28300 Miles Road – Randy Kertesz (for Joey’s Restaurant) – fence location variance, front yard building setback variance, total parking space variance and a site plan review for a patio addition:** Mr. Mazur said the patio/deck will have 12 tables and 48 chairs and will be gray in color. He said the applicant has a letter stating there will be no tap-in fee required.

Mayor Drucker explained there will be no tap-in fee because the business is located where there is a regional sewer district line.

10. **33185 Bainbridge Road – Gable Investment Co. (Solon Freeway Lanes) – fence location variance:**

Mr. Mazur asked how much fencing will be installed and when it will be installed.

Mr. Gable said the fence will be installed in three phases. The first phase will be on the right side when driving into the bowling alley, the second phase will be along the area where the houses are located in the rear yard, and the third phase will be on the right side of the building. He plans to install a section each spring until the project is completed.

Mr. Mazur believes the existing 4’ chain-link fence is more appropriate than the 6’ board-on-board fence Mr. Gable is requesting and asked Mr. Gable to consider changing his request.

Mr. Stolarsky asked which phase of the installation will require the fence location variance.

Mr. Frankland said the fence location variance is needed for phases one and two because the fence is located in the front of the building and the variance is unnecessary for the third phase.

11. **32840 Linden Drive – Nino and Rose Giallanza – driveway width variance:** Mr. Mazur informed the applicant that road work is being done on Linden Drive and the Engineering Department requested the applicant wait until the work is completed before they install the sidewalk and driveway.

12. **5701 Spring Grove Drive – Michael and Irene Dubson – not parallel to the street variance:**

13. **5683 Spring Grove Drive – Eugene and Ellen Friedman – not parallel to the street variance and front setback variance:** Mr. Frankland distributed an aerial view of the two properties on Spring Grove Drive (Items 12 and 13) indicating where the houses will be located.

Mr. Frankland said for 5701 Spring Grove Drive, the Engineering Department determined the house should be moved to the north which would comply with the zoning requirements providing 8' was maintained on one side of the house and 10' on the other side for a cumulative side yard total of 18'.

Mr. Mazur said Mrs. Friedman of 5683 Spring Grove Drive, brought to their attention a paper cul-de-sac on the plan which should be vacated. He said it has been determined that the 100 sq ft accessory structure area variance would no longer be necessary once the house is built and will be removed.

The caucus ended at 7:18 P.M. and the meeting convened at 7:30 P.M.

Chairman Mazur presided.

CHANGES TO THE AGENDA:

There were no changes to the agenda.

COMMENTS FROM THE AUDIENCE:

Mr. Frank Zamcheck, 7460 Liberty Road, was present to speak regarding Item 2. He said he is opposed to any structures built on his property.

APPROVAL OF MINUTES:

Motion by Mayor Drucker, seconded by Mr. Newberry to approve the minutes of the March 29, 2012 meeting as presented.

Roll Call: Aye: Drucker, Newberry, Richmond

Abstain: Bentley, Mazur

Nay: None

Motion Carried

PENDING:

1. Thornbury Subdivision – Forest City Land Group – tabled 11/29/05 pending Engineering approval & placed on Inactive Agenda – 12/14/09 applicant Request to remain on Inactive Agenda 2/28/12 placed on Active Agenda & tabled – 3/29 – NO NEW MATERIAL
 - Phase 7 – Dedication plat
 - Phase 8 – Dedication plat

Mrs. Welch said no new information has been received. She spoke with Mr. Tom Gerber from Forest City who said he would provide a status update for the next meeting.

The Commission discussed moving this item to the Inactive Agenda, however, it was determined it would be best to leave it on the Active Agenda and pursue completion.

Motion by Mr. Mazur, seconded by Mayor Drucker to table consideration of Item 1.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Richmond

Nay: None

Motion Carried

2. 7476 Liberty Road – Alan Prietz

024-2012

- 725' sq. ft. total area variance (accessory structure)
- 15' rear yard setback variance – east side of property line
- 15' rear yard setback variance – west side of property line
- 20' side yard setback variance – north side of property line
- 20' side yard setback variance – south side of property line
- 24.5' accumulative side yard variance
- 3' height variance
- 1,100 sq. ft. area variance
- Variance to construct a structure on G-1 zoned land

Mayor Drucker stated she will abstain from this item.

Mr. Alan Prietz was present and said he hired a contractor 6 years ago to build the garage and believed all of the necessary paperwork had been filed when they moved forward with the project. Since the garage was constructed, he has been happy with the quality and has used it regularly for the past 6 years. Mr. Prietz was recently informed by the Zoning Inspector that there were issues with the garage.

Mr. Prietz displayed a survey indicating the former garage located on the property which existed before he purchased the property. He indicated where the garage encroached upon City property.

Mr. Prietz displayed a current survey indicating the new garage which also encroaches on City property. He reiterated that he believed the contractor had submitted all the necessary paperwork.

Mr. Mazur said it is the homeowner's responsibility to ensure the necessary paperwork is completed. He said the accessory structure is twice the size of the replaced structure, part of the building is on City-owned G-1 (green space) property and part of the building is on a neighbor's property.

Mr. Prietz said the former structure was also over the property line and was located there for many years prior to his purchasing the property.

Mr. Newberry said the original survey indicates the garage encroached across the property line. However, Mr. Prietz had the new garage built larger and encroaching even further across the property line.

Mr. Prietz said the old garage was dilapidated and collapsed and he did not see the survey until after the new garage was already built.

In response to Mr. Newberry's questions, Mr. Prietz said he is a landscaper and he

does store some of the mowers for his business in the garage.

Mr. Newberry asked Mr. Frankland if landscaping is considered an approved home occupation.

Mr. Frankland clarified home occupations are only allowed if business is conducted out of the home and not in any portion of an accessory structure.

Mr. Newberry said based on the provided sketches, the original garage encroached across the north and west property line. The existing larger garage encroaches even further **onto the neighbor's property than the previous garage**. Mr. Newberry said he cannot understand how Mr. Prietz did not realize he was in violation of the **City's code and believes he should be held** accountable for the violations.

Mr. Prietz said he never had any indication that he was in violation.

Mr. Mazur said the fact that the garage is too tall, too big, built in the wrong location and was built without permits, need to be addressed.

In response to Councilwoman Richmond's question about whether the Commission has the authority to make a decision on the green space issue, Mr. Stolarsky said Chapter 1284.02 of the Green Space section of the Ohio Revised Code states that no structure shall be built on G-1 (green space area). Therefore, the Commission can make a motion regarding the accessory use variances, however, if a use variance is approved, it would have to be approved by the electorate in the effected ward as well as the majority of the City.

Mr. Newberry said the Commission is not empowered to allow the use of the encroachment on the G-1 zoned property. He does not believe the Commission can vote on the variance to allow a structure on G-1 zoned land.

Mr. Stolarsky suggested the Commission make a motion for the G-1 variance. However, if the Commission votes in favor of the G-1 variance, it will be ineffective without a vote from the electorate.

Mr. Frankland believes the Commission can deny the variances but they do not have the power to approve them. He said the structure is located on two other properties, therefore, the City of Solon would be required to be an applicant and the neighbor/property owner to the north would have to be an applicant in order for the Commission to approve the variances.

Mr. Stolarsky advised the Commission to vote on all of the variances.

Motion by Mr. Mazur, seconded by **Councilwoman Richmond** to approve a 725' sq. ft. total area variance (accessory structure).

Roll Call: Aye: None

Nay: Bentley, Mazur, Newberry, Richmond

Abstain: Drucker

Motion Failed

Motion by Councilwoman Richmond, seconded by Mr. Newberry to approve a 15' rear yard setback variance for the east side of the property line.

Roll Call: Aye: None

Nay: Bentley, Mazur, Newberry, Richmond

Abstain: Drucker

Motion Failed

Motion by Mr. Newberry, seconded by Mr. Bentley to approve a 15' rear yard setback variance for the west side of the property line.

Roll Call: Aye: None

Nay: Bentley, Mazur, Newberry, Richmond

Abstain: Drucker

Motion Failed

Motion by Mr. Bentley, seconded by Mr. Mazur to approve a 20' side yard setback variance for the north side of the property line.

Roll Call: Aye: None

Nay: Bentley, Mazur, Newberry, Richmond

Abstain: Drucker

Motion Failed

Motion by Mr. Mazur, seconded by Councilwoman Richmond to approve a 20' side yard setback variance for the south side of the property line.

Roll Call: Aye: None

Nay: Bentley, Mazur, Newberry, Richmond

Abstain: Drucker

Motion Failed

Motion by Councilwoman Richmond, seconded by Mr. Newberry to approve a 24.5' accumulative side yard variance.

Roll Call: Aye: None

Nay: Bentley, Mazur, Newberry, Richmond

Abstain: Drucker

Motion Failed

Motion by Mr. Newberry, seconded by Mr. Bentley to approve a 3' height variance.

Roll Call: Aye: None

Nay: Bentley, Mazur, Newberry, Richmond

Abstain: Drucker

Motion Failed

Motion by Mr. Bentley, seconded by Mr. Mazur to approve a 1,100 sq. ft. area variance.

Roll Call: Aye: None

Nay: Bentley, Mazur, Newberry, Richmond

Abstain: Drucker

Motion Failed

Motion by Mr. Mazur, seconded by Councilwoman Richmond to approve a variance to construct a structure on G-1 zoned land.

Roll Call: Aye: None

Nay: Bentley, Mazur, Newberry, Richmond

Abstain: Drucker

Motion Failed

Mr. Mazur advised Mr. Prietz of his right to appeal to the City Council and the clerk will inform him of the process.

3. **28400 Miles Road – Brainard Miles Retail Development, LLC** 026-2012
▪ Site plan review – proposed picnic and pet area

Mr. Randy Kertesz explained that based on the comments made and information received at the last meeting, he has modified the plan and removed the pet designated area entirely. He displayed a new site plan indicating where three picnic tables are proposed on the patio. Mr. Kertesz said the tables will be secured to the concrete, trash cans will be readily available and security lighting already exists.

Mr. Kertesz said he has a letter from one of the tenants expressing their interest in utilizing the picnic tables to conduct classes during good weather.

Motion by Mr. Mazur, seconded by Mayor Drucker to approve a site plan approving 3 picnic tables.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Richmond
Nay: None

Motion Carried

COUNCIL REFERRAL:

4. Proposed amendment to permit Pet Stores within the C-2 (Restricted Commercial Zoning District)

Mr. Frankland said this is the only district within the zoning code that restricts pet shops. He said it is typical of a shopping center to have a pet shop as a tenant. There recently was a request to add a pet shop to the Uptown Solon plaza which had to be denied because the zoning code, as written, prohibits them.

A public hearing was scheduled and Mr. Mazur opened the public hearing and asked for comments.

Mr. Heinz Knoll, 5875 Liberty Road, was present and asked if the residents will be required to vote on this issue if the zoning code is changed.

Mr. Frankland confirmed this to be correct.

Mr. Knoll asked what type of pet store would be moving into the plaza.

Mr. Frankland said, at this time, there is no specific pet store interested in moving into the plaza. However, if approved by the electorate, any type of pet store would be permitted in the future.

Mr. Knoll asked if there is a perspective tenant waiting to move into the plaza.

Mr. Frankland said there is no official application from a pet store at this time. A national pet store did express interest in moving into the plaza, however, they are now looking at other sites. Mr. Frankland said a formal application was never

received because they were told it was not a permitted use in that area.

Mr. Knoll said there are many variations of the term "pet store." He said there is the type of store that sells pet supplies and then another type that sells pet supplies and small animals. He believes this might make a difference on how people will vote.

Mr. Frankland believes the store that was interested in moving to the plaza sold supplies and pets.

Mr. Knoll said he is trying to differentiate between the store that sells supplies and pets, such as; birds, fish, small reptiles and the store that has puppies on display behind a window. He believes this might make a difference with the voters.

Mayor Drucker said some pet stores have grooming services and veterinarian centers located in them. She asked if this would change the use in the area and suggested more specific language might be necessary to make the voters aware of potential future businesses.

Mr. Frankland said the zoning change would allow pet stores of all types to be included and would also allow accessory uses, such as, grooming. He said veterinary services are currently permitted within the zoning for that area and would continue to be permitted within a pet store if the zoning changed.

There were no further comments, therefore, the public hearing was closed.

Mr. Newberry said all of the other commercial sections permit retail business and any type of accessory use that is customary to the permitted use and should be allowed on the premises.

The Commission discussed the difficulties involved in making specific definitions within zoning codes.

Mr. Frankland said, if necessary, he could work with the Law Director and add specifications to the definitions for the proposed zoning change.

Mr. Newberry said pet shops are only specifically mentioned in the Code as it relates to the C-2 district as not being permitted. When the C-2 district was created, there was controversy regarding puppy mills and the possibility of infirmed animals and this is the reason pet shops were made to be specifically excluded.

Mr. Mazur said not all pet stores run puppy mills and he does not feel it is the government's responsibility to regulate what can be sold at the pet store.

Motion by Mr. Mazur, seconded by Mr. Newberry to recommend approval to the Council to permit Pet Stores within the C-2 (Restricted Commercial) Zoning District.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Richmond

Nay: None

Motion Carried

NEW:

5. 33205 Rockford Drive – Justin & Shanlyn Price 027-2012
 ▪ 25% aggregate fence opening variance – withdrawn by applicant

Mr. Mazur said the applicant requested this item be withdrawn since he will install a fence that complies with the Code and no variance is necessary.

Motion by Mr. Mazur, seconded by Mayor Drucker to accept the applicant's withdrawal of the application.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Richmond
 Nay: None Motion Carried

6. 7414 Geauga Street – Elmer L. Kolm Rev. Living Trust 030-2012
 PP#'s 956-38-091, 956-38-092, 956-38-093
 ▪ Lot consolidation

Motion by Mr. Newberry, seconded by Councilwoman Richmond to schedule a public hearing for a lot consolidation of PP#'s 956-38-091, 956-38-092 and 956-38-093 for Tuesday, April 24, 2012.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Richmond
 Nay: None Motion Carried

7. 30775 Solon Industrial Parkway – Grandwood Company, LLC 031-2012
 (for Anchor Industries)
 ▪ Site plan - warehouse addition
 ▪ Parking lot material variance

Mr. Greg Seifert, Architect, GEIS Construction, was present representing Anchor Industries. He said Anchor Industries is proposing a 50,000 sq. ft. warehouse addition to the south side of the existing building. It will be constructed of pre-cast concrete and will match the look of the existing building of brick façade with white detailing along the top.

Mr. Mazur said the requested parking lot material variance is for an access lane on the east side of the building.

Fire Lieutenant Benedict said the gravel drive must be able to support a 25-ton fire truck and it must be maintained during inclement weather, kept free of snow and visible in the event it is necessary to access it.

Fire Lieutenant Benedict said the plan also proposed a permanent drive if the second phase of the project is completed and a yard hydrant will be installed at that time.

Mr. Mazur said during the Caucus it was discussed that if the temporary access road is approved it would be for a 3-year time period and if the second building is not constructed, it will be required to be paved to become a permanent road.

Mr. Seifert confirmed his agreement.

In response to Mr. Mazur's question, Mr. Seifert said Anchor Industries is a supplier for auto parts and the auto industry.

Motion by Mr. Newberry, seconded by Mr. Bentley to approve a parking lot material variance to allow the fire access drive to be gravel for a period not exceeding 3 years.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Richmond
Nay: None

Motion Carried

Motion by Mr. Bentley, seconded by Mr. Mazur to approve the site plan for the warehouse addition with the contingency that the lot consolidation must be completed before the occupancy permit is granted and the gravel driveway will be paved within three years if the second building is not constructed.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Richmond
Nay: None

Motion

Carried

8. 5885 North Oval – Christopher and Deanna Hurst 032-2012
▪ 4.5' accessory structure height variance (shed)

Mrs. Deanna Hurst was present and displayed photos of her property indicating the downward grade to the rear yard. She indicated where the proposed shed would be constructed and where the grade of the land slopes approximately 4½'. Mrs. Hurst said the rear part of the shed will require a height variance since it will be 16½'.

Mr. Mazur said this would be classified as a practical difficulty for the structure because of the property grading. He suggested that particular attention be given to the support of the shed due to its elevation.

Motion by Mayor Drucker, seconded by Councilwoman Richmond to approve a 4.5' accessory structure height variance.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Richmond
Nay: None

Motion Carried

9. 28300 Miles Road – Randy Kertesz (for Joey's Restaurant) 033-2012
▪ Fence location variance
▪ 13' front yard building setback variance
▪ 80 space total parking variance
▪ Site plan - patio addition

Mr. Joey Leonetti, owner of Joey's Restaurant and Mr. Randy Kertesz, Brainard Miles Retail Development, were present.

Mr. Kertesz displayed a site plan and said the proposal is to permit a patio in front of Joey's Restaurant since there is no area in the side yard for a patio. This would include the removal of 3 parking spaces and there is currently a 77 parking space variance, therefore, it would now become an 80 space parking variance.

Mr. Kertesz said the patio would be surrounded by fencing and because it is adjacent to the parking lot, there will be concrete barrier planters for safety purposes. This will also assist with adding greenery and screening to the patio. Mr. Kertesz said the patio will actually be made out of decking and raised to the level of the concrete walkway in front of the restaurant. He said the decking material will be a light gray color and will be made of artificial wood material which will prevent rotting and warping and is very durable.

Mr. Kertesz said the proposed deck plan will have 48 seats and approximately 12 tables. He said during the Caucus, he was informed that the table layout plan must be submitted prior to the Council meeting on April 16th and the Fire Department will have to review it to ensure there is adequate room for egress and ingress.

Mayor Drucker questioned if it might be necessary to utilize a 4th parking space to maintain adequate room for safety between the patio and the parking lot.

Mr. Kertesz said this was considered and the concrete planters will be located along the edge line inside the 3rd space. Mr. Leonetti said there is a total of 27' and the deck will be 16' x 25'.

Mr. Bentley said it appears a handicap ramp will be removed for the deck.

Mr. Kertesz explained there is no handicap parking around the ramp area. He said the ramp was installed to have something located at the end of the building

Motion by Mr. Mazur, seconded by Mayor Drucker to approve a fence location variance.

Roll Call: Bentley, Drucker, Mazur, Newberry, Richmond
Aye: None

Motion Carried

Motion by Mayor Drucker, seconded by Councilwoman Richmond to approve a 13' front yard building setback variance.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Richmond
Nay: None

Motion Carried

Motion by Councilwoman Richmond, seconded by Mr. Newberry to approve an 80 space total parking variance.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Richmond
Nay: None

Motion Carried

Motion by Mr. Newberry, seconded by Mr. Bentley to approve a site plan for a patio addition for Joey's Restaurant.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Richmond
Nay: None

Motion Carried

10. 33185 Bainbridge Road – Gable Investment Co. (Solon Freeway Lanes) 034-2012

- Fence location variance

Mr. Glen Gable, Gable Investment Co., was present and displayed an aerial of the property indicating the location for the proposed new fence. He explained there is a substantial amount of area to be fenced and he is requesting approval to complete the installation in three phases.

Mr. Gable indicated the location of Phase 1 along the right side of the property when **driving into the bowling alley**. He is proposing a **5' wooden board-on-board** fence because it is more visible especially during the winter plowing season and it provides privacy to neighboring residents as well as patrons of the bowling alley.

Mr. Mazur asked for clarification regarding where each phase would end until the following season when the next phase will begin.

Mr. Mazur said the aerial display indicates the fence line for Phase 1 extends to the sidewalk. He said the Code states the fence must end at the front of the house and not extend into the front yard or to the sidewalk.

Mr. Gable agreed to comply.

Mayor Drucker questioned the proposal of a **5' fence** since a **6' fence** was stated during the Caucus. She asked for clarification regarding the height of the fence and said she prefers **the 6' fence** for privacy issues for all concerned. Mayor Drucker said the choice is **Mr. Gable's since by Code, up to a 6' fence is acceptable without a variance** and the board-on-board is an acceptable style without the need for a variance.

Mr. Gable explained he **prefers a 6' board-on-board wooden fence** but was requested by **Mr. Mazur to consider a 5' fence**. He believes a **6' fence** would offer more privacy but will consider both heights before he makes a final decision.

Mayor Drucker said although Mr. Mazur did share his opinion of a **5' board-on-board** fence with her, **she brought to his attention that a 6' fence would ensure more privacy**. However, it is Mr. Gable's decision.

Mr. Bentley asked how the fence would be finished and if it would be painted or stained.

Mr. Gable explained when using treated wood, it is installed the first year and the next year it will be sealed with natural color stain and maintained by being power washed when dirty and then sealed.

Mr. Mazur said the 6' fence for privacy is a good suggestion and it is up to Mr. Gable to determine what is best for his needs.

Motion by Mayor Drucker, seconded by Councilwoman Richmond to approve a fence location variance for 33185 Bainbridge Road with the contingency that the fencing for Phase 1 will end where the house to the east begins and the installation will be completed in three phases.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Richmond
Nay: None

Motion Carried

11. **32840 Linden Drive – Nino and Rose Giallanza** 035-2012
 ▪ **6' driveway width variance**

Mr. Nino Giallanza was present and displayed a drawn site plan of the proposed driveway. He indicated the proposed layout of the driveway and the area requiring the variance.

Mr. Mazur said it makes sense to approve the area in question since it squares off the area. He recommended Mr. Giallanza coordinate his plans for installing the driveway with the Engineering Department since there will be engineering activity taking place on Linden Drive and their work should be completed prior to his installation.

Mr. Bentley asked if the applicant is building an addition to the house as well as a new driveway.

Mr. Giallanza said this is correct.

Mr. Newberry said as he understands the project, Mr. Giallanza is replacing the one car garage with a two-car garage.

Mr. Giallanza said this is correct.

Motion by Mr. Newberry, seconded by Mr. Bentley to approve a 6' driveway width variance.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Richmond
Nay: None

Motion Carried

12. **5701 Spring Grove Drive – Michael & Irene Dubson** 036-2012
 ▪ **Not parallel to the street variance**

Mr. Michael Dubson, was present and said he would like to build a house at 5701 Spring Grove Drive and is requesting the approval to build the house not parallel to the street. He displayed a plan of the property indicating it is a long, rectangular shaped property and he is proposing to build the house parallel to the sideline.

Motion by Mr. Mazur, seconded by Mayor Drucker to approve a not parallel to the street variance for 5701 Spring Grove Drive.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Richmond
Nay: None

Motion Carried

13. **5683 Spring Grove Drive – Eugene and Ellen Friedman** 037-2012
 ▪ **Not parallel to the street variance**
 ▪ **27' front setback variance**
 ▪ **100 sq. ft. accessory structure area variance**

Mr. Mazur said the 100 sq. ft. accessory structure area variance will no longer be necessary and will be removed.

Mr. Gene Friedman was present and displayed a site plan for 5683 Spring Grove Drive and is also requesting the approval of a not parallel to the street variance. He indicated where a "paper" cul-de-sac is still listed on the plan and requested this be vacated.

Mr. Stolarsky said there is a process involved to vacate a paper street and the Law Department and Engineering Department will have to review what is necessary. He recommended the Commission move forward with the application. Mr. Stolarsky said it should not be a cumbersome process.

Mr. Bentley said there appears to be a building in the rear of the property and asked if it was a garage.

Mr. Friedman said there is a barn in the rear of the property but since construction on the new house will start as soon as all approvals and permits are received, a variance will not be required to have it remain as an accessory building without a primary residence.

In response to Mr. Bentley's question, Mr. Friedman said he wishes to keep the barn on the property.

Motion by Councilwoman Richmond, seconded by Mr. Newberry to approve a not parallel to the street variance.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Richmond,
Nay: None

Motion Carried

Motion by Mr. Newberry, seconded by Mr. Bentley to approve a 27' front setback variance.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Richmond
Nay: None

Motion Carried

Motion by Mr. Mazur, seconded by Mayor Drucker to remove the request for a 100 sq. ft. accessory structure area variance with the contingency that a building permit be obtained within the next 6 months to eliminate the need for an accessory structure variance.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Richmond
Nay: None

Motion Carried

Mr. Newberry clarified the cul-de-sac did exist at one time. When this happened about 35 years ago, what is now Spring Grove Drive was extended out to Bainbridge Road. The Spring Grove Drive that currently exists today was built by the State of Ohio as part of the relocation of Route 422. The houses located closer to Route 422 were cut off from access to the street so Spring Grove Drive was extended to Cannon Road and the cul-de-sac was removed.

Motion by Mr. Mazur, seconded by Mr. Newberry to schedule a public hearing on April 24, 2012 for a lot consolidation for 5020 Brainard Road, Comella Trust, PP#'s 951-02-009, 951-02-010, 951-02-011, 951-02-013 and 951-02-025.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Richmond
Nay: None

Motion Carried

MINOR ALTERATIONS FROM THE PLANNING DEPARTMENT:

There were no minor alterations to review.

COMMENTS FROM THE COMMISSION:

Mayor Drucker said the Healthy Solon "Run for Wellness" will take place this Sunday, April 15th at the Community Center. It begins at 8:45 A.M. with a one mile walk and a 5K run that begins at 9:15 A.M. Further information can be found on the City website.

Mr. Newberry said the Solon High School Drama Club will perform *Les Misérables*, April 19th, 20th, 21st at 7:30 P.M. and April 22nd at 2:00 P.M. Tickets are available at the high school and he urged everyone to attend.

Mr. Stolarsky said Item 2 on the agenda should serve as a reminder to anyone who is considering any type of construction that it is important to check with the City to determine what permits might be necessary.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

Motion by Mr. Mazur, seconded by Mayor Drucker to adjourn the meeting at 8:35 P.M.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Richmond
Nay: None

Motion Carried

Chairman

Secretary